

SECOND REGULAR SESSION

# SENATE BILL NO. 1185

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS GIBBONS AND BARTLE.

Read 1st time February 25, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5288S.01I

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## AN ACT

To repeal sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 302.311, 302.750, 545.490, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, to read as follows:

302.311. In the event an application for a license is denied or withheld, or in the event that a license is suspended or revoked by the director, the applicant or licensee so aggrieved may appeal to the circuit court of the county of his residence in the manner provided by chapter 536, RSMo, for the review of administrative decisions at any time within thirty days after notice that a license is denied or withheld or that a license is suspended or revoked. Upon such appeal the cause shall be heard de novo and the circuit court may order the director to grant such license, sustain the suspension or revocation by the director, set aside or modify the same, or revoke such license. Appeals from the judgment of the circuit court may be taken as in civil cases. [The prosecuting attorney of the county where such appeal is taken, shall appear in behalf of the director, and prosecute or defend, as the case may require.]

302.750. 1. If a person refuses, upon the request of a law enforcement officer pursuant to section 302.745, to submit to any test allowed under that

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

3 section, then none shall be given and evidence of the refusal shall be admissible  
4 in any proceeding to determine whether a person was operating a commercial  
5 motor vehicle while under the influence of alcohol or controlled substances. In  
6 this event, the officer shall make a sworn report to the director that he requested  
7 a test pursuant to section 302.745 and that the person refused to submit to such  
8 testing.

9 2. A person requested to submit to a test as provided by section 302.745  
10 shall be warned by the law enforcement officer requesting the test that a refusal  
11 to submit to the test will result in that person being immediately placed out of  
12 service for a period of twenty-four hours and being disqualified from operating a  
13 commercial motor vehicle for a period of not less than one year if for a first  
14 refusal to submit to the test and for life if for a second or subsequent refusal to  
15 submit to the test. The director may issue rules and regulations, in accordance  
16 with guidelines established by the secretary, under which a disqualification for  
17 life under this section may be reduced to a period of not less than ten years.

18 3. Upon receipt of the sworn report of a law enforcement officer submitted  
19 under subsection 1 of this section, the director shall disqualify the driver from  
20 operating a commercial motor vehicle.

21 4. If a person has been disqualified from operating a commercial motor  
22 vehicle because of his refusal to submit to a chemical test, he may request a  
23 hearing before a court of record in the county in which the request was  
24 made. Upon his request, the clerk of the court shall notify the [prosecuting  
25 attorney of the county] **director** and the [prosecutor] **director** shall appear at  
26 the hearing on behalf of the officer. At the hearing the judge shall determine  
27 only:

28 (1) Whether or not the law enforcement officer had reasonable grounds to  
29 believe that the person was driving a commercial motor vehicle with any amount  
30 of alcohol in his system;

31 (2) Whether or not the person refused to submit to the test.

32 5. If the judge determines any issues not to be in the affirmative, he shall  
33 order the director to reinstate the privilege to operate a commercial motor vehicle.

34 6. Requests for review as herein provided shall go to the head of the  
35 docket of the court wherein filed.

545.490. [The petition of the applicant for a change of venue shall set  
2 forth the facts or grounds upon which such change is sought, and such petition  
3 shall be supported by the affidavit of petitioner and the affidavit of at least two

4 credible disinterested citizens of the county where said cause is pending and the  
5 truth of the allegations thereof shall be proved, to the satisfaction of the court,  
6 by legal and competent evidence, and the prosecuting attorney may in such case  
7 offer evidence in rebuttal of that submitted in support of such application; the  
8 court, or judge in vacation, shall fix the number of witnesses for which the state  
9 or county may be liable; provided, in all cases in counties in this state which now  
10 have or may hereafter have a population of less than seventy-five thousand  
11 inhabitants if such petition for change of venue is supported by the affidavits of  
12 five or more credible disinterested citizens residing in different neighborhoods of  
13 the county where said cause is pending, then the court or judge in vacation, shall  
14 grant such change of venue, as of course, without additional proof; provided  
15 further, that reasonable previous notice of such application shall in all cases be  
16 given to the prosecuting attorney; and provided further, that if the facts alleged  
17 as the ground of the application be within the knowledge of the court or judge, he  
18 may order such removal of the cause without any formal proof or the filing of  
19 affidavit; and provided further, that if the application shall allege prejudice of the  
20 inhabitants of more than one county in the circuit in which the case is pending,  
21 the court may, upon proof of the allegations as herein provided for, order the case  
22 sent to some county in the same or some other circuit where such causes do not  
23 exist.] 1. **Upon written application of the defendant, a change of venue**

24 **may be ordered in any criminal proceeding for the following reasons:**

25 (1) **The inhabitants of the county are prejudiced against the**  
26 **defendant; or**

27 (2) **The state has an undue influence over the inhabitants of the**  
28 **county.**

29 2. **In felony cases, the application shall be filed not later than**  
30 **thirty days after the date of arraignment. In misdemeanor cases, the**  
31 **application shall be filed not later than ten days before the date set for**  
32 **trial.**

33 3. **A copy of the application and a notice of the time when it will**  
34 **be presented to the court shall be served on all parties.**

35 4. **The application shall set forth the reason or reasons for**  
36 **change of venue. It need not be verified and shall be signed by the**  
37 **defendant or the defendant's attorney.**

38 5. **The state may, within five days after the filing of the**  
39 **application for a change of venue, file a denial of the existence of the**

40 reason or reasons alleged in the application. Such denial need not be  
41 verified. If a denial is filed, the court shall hear evidence and  
42 determine the issues. If the issues are determined in favor of the  
43 defendant, or if the truth of the grounds alleged is within the  
44 knowledge of the court, or if no denial is filed, a change of venue shall  
45 be ordered to a different county convenient to the parties and where  
46 the reason or reasons for the change of venue do not exist.

47         **6. In lieu of transferring the case to another county, as provided**  
48 **in subsection 4 of this section, the court may secure a jury from**  
49 **another county as provided by law.**

566.147. 1. Any person who[, since July 1, 1979, has been or hereafter  
2 has pleaded guilty or nolo contendere to, or been convicted of, or been found  
3 guilty of violating any of the provisions of this chapter or the provisions of  
4 subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,  
5 endangering the welfare of a child in the first degree; subsection 2 of section  
6 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo,  
7 promoting a sexual performance by a child; section 573.023, RSMo, sexual  
8 exploitation of a minor; section 573.025, RSMo, promoting child pornography in  
9 the first degree; section 573.035, RSMo, promoting child pornography in the  
10 second degree; section 573.037, RSMo, possession of child pornography, or section  
11 573.040, RSMo, furnishing pornographic material to minors;] **is required to**  
12 **register as a sexual offender under sections 589.400 to 589.425, RSMo,**  
13 shall not reside within one thousand feet of any public school as defined in  
14 section 160.011, RSMo, or any private school giving instruction in a grade or  
15 grades not higher than the twelfth grade, or child-care facility as defined in  
16 section 210.201, RSMo, which is in existence at the time the individual begins to  
17 reside at the location.

18         2. If such person has already established a residence and a public school,  
19 a private school, or child-care facility is subsequently built or placed within one  
20 thousand feet of such person's residence, then such person shall, within one week  
21 of the opening of such public school, private school, or child-care facility, notify  
22 the county sheriff where such public school, private school, or child-care facility  
23 is located that he or she is now residing within one thousand feet of such public  
24 school, private school, or child-care facility and shall provide verifiable proof to  
25 the sheriff that he or she resided there prior to the opening of such public school,  
26 private school, or child-care facility.

27           3. For purposes of this section, "resides" means sleeps in a residence,  
28 which may include more than one location and may be mobile or transitory.

29           4. Violation of the provisions of subsection 1 of this section is a class D  
30 felony except that the second or any subsequent violation is a class B  
31 felony. Violation of the provisions of subsection 2 of this section is a class A  
32 misdemeanor except that the second or subsequent violation is a class D felony.

          575.030. 1. A person commits the crime of hindering prosecution if for the  
2 purpose of preventing the apprehension, prosecution, conviction or punishment  
3 of another [for conduct constituting a crime] he **or she**:

4           (1) Harbors or conceals **or attempts to harbor or conceal** such person;  
5 or

6           (2) Warns such person **or attempts to warn such person** of impending  
7 discovery or apprehension, except this does not apply to a warning given in  
8 connection with an effort to bring another into compliance with the law; or

9           (3) Provides such person **or attempts to provide such person** with  
10 money, transportation, weapon, disguise or other means to aid him in avoiding  
11 discovery or apprehension; or

12           (4) Prevents or obstructs **or attempts to prevent or obstruct**, by  
13 means of force, deception or intimidation, anyone from performing an act that  
14 might aid in the discovery or apprehension of such person.

15           2. Hindering prosecution is a class D felony if [the conduct] **such**  
16 **apprehension, prosecution, conviction, or punishment** of the other person  
17 **[constitutes] relates to** a felony; otherwise hindering prosecution is a class A  
18 misdemeanor.

          575.100. 1. A person commits the crime of tampering with physical  
2 evidence if he **or she**:

3           (1) Alters, destroys, suppresses or conceals **or attempts to alter,**  
4 **destroy, suppress or conceal** any record, document or thing with purpose to  
5 impair its verity, legibility or availability in any official proceeding or **any**  
6 **potential investigation that could result in an official proceeding**; or

7           (2) Makes, presents or uses any record, document or thing knowing it to  
8 be false with purpose to mislead a public servant who is or may be engaged in  
9 any official proceeding or **any potential investigation that could result in an**  
10 **official proceeding**.

11           2. Tampering with physical evidence is a class D felony if the actor  
12 **[impairs or obstructs] intends to impair or obstruct** the prosecution or

13 defense of a felony; otherwise, tampering with physical evidence is a class A  
14 misdemeanor.

575.150. 1. A person commits the crime of resisting or interfering with  
2 arrest, detention, or stop if, knowing that a law enforcement officer is making an  
3 arrest, or attempting to lawfully detain or stop an individual or vehicle, or the  
4 person reasonably should know that a law enforcement officer is making an arrest  
5 or attempting to lawfully detain or lawfully stop an individual or vehicle, for the  
6 purpose of preventing the officer from effecting the arrest, stop or detention, the  
7 person:

8 (1) Resists the arrest, stop or detention of such person by using or  
9 threatening the use of violence or physical force or by fleeing from such officer;  
10 or

11 (2) Interferes with the arrest, stop or detention of another person by using  
12 or threatening the use of violence, physical force or physical interference.

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants [and to];

15 (2) Arrests, stops, or detentions for any crime, infraction, or ordinance  
16 violation;

17 (3) **Arrests on warrants issued for probation or parole violations;**  
18 **and**

19 (4) **Arrests on capias warrants or bench warrants, issued by a**  
20 **federal, state, or municipal judge.**

21 3. A person is presumed to be fleeing a vehicle stop if that person  
22 continues to operate a motor vehicle after that person has seen or should have  
23 seen clearly visible emergency lights or has heard or should have heard an  
24 audible signal emanating from the law enforcement vehicle pursuing that person.

25 4. It is no defense to a prosecution pursuant to subsection 1 of this section  
26 that the law enforcement officer was acting unlawfully in making the  
27 arrest. However, nothing in this section shall be construed to bar civil suits for  
28 unlawful arrest.

29 5. Resisting or interfering with an arrest for a felony is a class D  
30 felony. **Resisting or interfering with an arrest for a probation violation,**  
31 **parole violation, capias warrant, or bench warrant, where such warrant**  
32 **issued was related to a felony, is a class D felony.** Resisting an arrest,  
33 detention or stop by fleeing in such a manner that the person fleeing creates a  
34 substantial risk of serious physical injury or death to any person is a class D

35 felony; otherwise, resisting or interfering with an arrest, detention or stop in  
36 violation of subdivision (1) or (2) of subsection 1 of this section is a class A  
37 misdemeanor.

575.260. 1. A person commits the crime of tampering with a judicial  
2 proceeding if, with purpose to influence the official action of a judge, juror, special  
3 master, referee [or], arbitrator, **or state prosecuting or circuit attorney** in  
4 a judicial proceeding, he **or she**:

- 5 (1) Threatens or causes harm to any person or property; or
- 6 (2) Engages in conduct reasonably calculated to harass or alarm such  
7 official or juror; or
- 8 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon  
9 such official or juror.

10 2. Tampering with a judicial proceeding is a class C felony.

577.041. 1. If a person under arrest, or who has been stopped pursuant  
2 to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the  
3 request of the officer to submit to any test allowed pursuant to section 577.020,  
4 then none shall be given and evidence of the refusal shall be admissible in a  
5 proceeding pursuant to section 565.024, 565.060, or 565.082, RSMo, or section  
6 577.010 or 577.012. The request of the officer shall include the reasons of the  
7 officer for requesting the person to submit to a test and also shall inform the  
8 person that evidence of refusal to take the test may be used against such person  
9 and that the person's license shall be immediately revoked upon refusal to take  
10 the test. If a person when requested to submit to any test allowed pursuant to  
11 section 577.020 requests to speak to an attorney, the person shall be granted  
12 twenty minutes in which to attempt to contact an attorney. If upon the  
13 completion of the twenty-minute period the person continues to refuse to submit  
14 to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf  
15 of the director of revenue, serve the notice of license revocation personally upon  
16 the person and shall take possession of any license to operate a motor vehicle  
17 issued by this state which is held by that person. The officer shall issue a  
18 temporary permit, on behalf of the director of revenue, which is valid for fifteen  
19 days and shall also give the person a notice of such person's right to file a  
20 petition for review to contest the license revocation.

21 2. The officer shall make a certified report under penalties of perjury for  
22 making a false statement to a public official. The report shall be forwarded to the  
23 director of revenue and shall include the following:

24 (1) That the officer has:

25 (a) Reasonable grounds to believe that the arrested person was driving a  
26 motor vehicle while in an intoxicated or drugged condition; or

27 (b) Reasonable grounds to believe that the person stopped, being under  
28 the age of twenty-one years, was driving a motor vehicle with a blood alcohol  
29 content of two-hundredths of one percent or more by weight; or

30 (c) Reasonable grounds to believe that the person stopped, being under the  
31 age of twenty-one years, was committing a violation of the traffic laws of the  
32 state, or political subdivision of the state, and such officer has reasonable grounds  
33 to believe, after making such stop, that the person had a blood alcohol content of  
34 two-hundredths of one percent or greater;

35 (2) That the person refused to submit to a chemical test;

36 (3) Whether the officer secured the license to operate a motor vehicle of  
37 the person;

38 (4) Whether the officer issued a fifteen-day temporary permit;

39 (5) Copies of the notice of revocation, the fifteen-day temporary permit  
40 and the notice of the right to file a petition for review, which notices and permit  
41 may be combined in one document; and

42 (6) Any license to operate a motor vehicle which the officer has taken into  
43 possession.

44 3. Upon receipt of the officer's report, the director shall revoke the license  
45 of the person refusing to take the test for a period of one year; or if the person is  
46 a nonresident, such person's operating permit or privilege shall be revoked for one  
47 year; or if the person is a resident without a license or permit to operate a motor  
48 vehicle in this state, an order shall be issued denying the person the issuance of  
49 a license or permit for a period of one year.

50 4. If a person's license has been revoked because of the person's refusal  
51 to submit to a chemical test, such person may petition for a hearing before a  
52 circuit or associate circuit court in the county in which the arrest or stop  
53 occurred. The person may request such court to issue an order staying the  
54 revocation until such time as the petition for review can be heard. If the court,  
55 in its discretion, grants such stay, it shall enter the order upon a form prescribed  
56 by the director of revenue and shall send a copy of such order to the  
57 director. Such order shall serve as proof of the privilege to operate a motor  
58 vehicle in this state and the director shall maintain possession of the person's  
59 license to operate a motor vehicle until termination of any revocation pursuant



60 to this section. Upon the person's request the clerk of the court shall notify the  
61 [prosecuting attorney of the county and the prosecutor shall appear at the  
62 hearing on behalf of the director of revenue] **director**. At the hearing the court  
63 shall determine only:

64 (1) Whether or not the person was arrested or stopped;

65 (2) Whether or not the officer had:

66 (a) Reasonable grounds to believe that the person was driving a motor  
67 vehicle while in an intoxicated or drugged condition; or

68 (b) Reasonable grounds to believe that the person stopped, being under  
69 the age of twenty-one years, was driving a motor vehicle with a blood alcohol  
70 content of two-hundredths of one percent or more by weight; or

71 (c) Reasonable grounds to believe that the person stopped, being under the  
72 age of twenty-one years, was committing a violation of the traffic laws of the  
73 state, or political subdivision of the state, and such officer had reasonable  
74 grounds to believe, after making such stop, that the person had a blood alcohol  
75 content of two-hundredths of one percent or greater; and

76 (3) Whether or not the person refused to submit to the test.

77 5. If the court determines any issue not to be in the affirmative, the court  
78 shall order the director to reinstate the license or permit to drive.

79 6. Requests for review as provided in this section shall go to the head of  
80 the docket of the court wherein filed.

81 7. No person who has had a license to operate a motor vehicle suspended  
82 or revoked pursuant to the provisions of this section shall have that license  
83 reinstated until such person has participated in and successfully completed a  
84 substance abuse traffic offender program defined in section 577.001, or a program  
85 determined to be comparable by the department of mental health or the  
86 court. Assignment recommendations, based upon the needs assessment as  
87 described in subdivision (22) of section 302.010, RSMo, shall be delivered in  
88 writing to the person with written notice that the person is entitled to have such  
89 assignment recommendations reviewed by the court if the person objects to the  
90 recommendations. The person may file a motion in the associate division of the  
91 circuit court of the county in which such assignment was given, on a printed form  
92 provided by the state courts administrator, to have the court hear and determine  
93 such motion pursuant to the provisions of chapter 517, RSMo. The motion shall  
94 name the person or entity making the needs assessment as the respondent and  
95 a copy of the motion shall be served upon the respondent in any manner allowed

96 by law. Upon hearing the motion, the court may modify or waive any assignment  
97 recommendation that the court determines to be unwarranted based upon a  
98 review of the needs assessment, the person's driving record, the circumstances  
99 surrounding the offense, and the likelihood of the person committing a like  
100 offense in the future, except that the court may modify but may not waive the  
101 assignment to an education or rehabilitation program of a person determined to  
102 be a prior or persistent offender as defined in section 577.023, or of a person  
103 determined to have operated a motor vehicle with fifteen-hundredths of one  
104 percent or more by weight in such person's blood. Compliance with the court  
105 determination of the motion shall satisfy the provisions of this section for the  
106 purpose of reinstating such person's license to operate a motor vehicle. The  
107 respondent's personal appearance at any hearing conducted pursuant to this  
108 subsection shall not be necessary unless directed by the court.

109         8. The fees for the substance abuse traffic offender program, or a portion  
110 thereof to be determined by the division of alcohol and drug abuse of the  
111 department of mental health, shall be paid by the person enrolled in the  
112 program. Any person who is enrolled in the program shall pay, in addition to any  
113 fee charged for the program, a supplemental fee to be determined by the  
114 department of mental health for the purposes of funding the substance abuse  
115 traffic offender program defined in section 302.010, RSMo, and section  
116 577.001. The administrator of the program shall remit to the division of alcohol  
117 and drug abuse of the department of mental health on or before the fifteenth day  
118 of each month the supplemental fee for all persons enrolled in the program, less  
119 two percent for administrative costs. Interest shall be charged on any unpaid  
120 balance of the supplemental fees due the division of alcohol and drug abuse  
121 pursuant to this section and shall accrue at a rate not to exceed the annual rates  
122 established pursuant to the provisions of section 32.065, RSMo, plus three  
123 percentage points. The supplemental fees and any interest received by the  
124 department of mental health pursuant to this section shall be deposited in the  
125 mental health earnings fund which is created in section 630.053, RSMo.

126         9. Any administrator who fails to remit to the division of alcohol and drug  
127 abuse of the department of mental health the supplemental fees and interest for  
128 all persons enrolled in the program pursuant to this section shall be subject to a  
129 penalty equal to the amount of interest accrued on the supplemental fees due the  
130 division pursuant to this section. If the supplemental fees, interest, and penalties  
131 are not remitted to the division of alcohol and drug abuse of the department of

132 mental health within six months of the due date, the attorney general of the state  
133 of Missouri shall initiate appropriate action of the collection of said fees and  
134 interest accrued. The court shall assess attorney fees and court costs against any  
135 delinquent program.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted  
3 of, been found guilty of, or pled guilty or nolo contendere to committing, or  
4 attempting to commit, a felony offense of chapter 566, RSMo, including sexual  
5 trafficking of a child and sexual trafficking of a child under the age of twelve, or  
6 any offense of chapter 566, RSMo, where the victim is a minor; or

7 (2) Any person who, since July 1, 1979, has been or is hereafter convicted  
8 of, been found guilty of, or pled guilty or nolo contendere to committing, or  
9 attempting to commit one or more of the following offenses: kidnapping when the  
10 victim was a child and the defendant was not a parent or guardian of the child;  
11 felonious restraint when the victim was a child and the defendant is not a parent  
12 or guardian of the child; sexual contact or sexual intercourse with a resident of  
13 a nursing home, under section 565.200, RSMo; **incest under section 568.020,**  
14 **RSMo**; endangering the welfare of a child under section 568.045, RSMo, when the  
15 endangerment is sexual in nature; genital mutilation of a female child, under  
16 section 568.065, RSMo; promoting prostitution in the first degree; promoting  
17 prostitution in the second degree; promoting prostitution in the third degree;  
18 sexual exploitation of a minor; promoting child pornography in the first degree;  
19 promoting child pornography in the second degree; possession of child  
20 pornography; furnishing pornographic material to minors; public display of  
21 explicit sexual material; coercing acceptance of obscene material; promoting  
22 obscenity in the first degree; promoting pornography for minors or obscenity in  
23 the second degree; incest; use of a child in a sexual performance; or promoting  
24 sexual performance by a child; **sexual exploitation of a minor under section**  
25 **573.023, RSMo**; and committed or attempted to commit the offense against a  
26 victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as  
27 a person under eighteen years of age; or

28 (3) Any person who, since July 1, 1979, has been committed to the  
29 department of mental health as a criminal sexual psychopath; or

30 (4) Any person who, since July 1, 1979, has been found not guilty as a  
31 result of mental disease or defect of any offense listed in subdivision (1) or (2) of  
32 this subsection; or

33           (5) Any person who is a resident of this state who has, since July 1, 1979,  
34 or is hereafter convicted of, been found guilty of, or pled guilty to or nolo  
35 contendere in any other state, foreign country, or under federal or military  
36 jurisdiction to committing, or attempting to commit, an offense which, if  
37 committed in this state, would be a violation of chapter 566, RSMo, or a felony  
38 violation of any offense listed in subdivision (2) of this subsection or has been or  
39 is required to register in another state or has been or is required to register  
40 under federal or military law; or

41           (6) Any person who has been or is required to register in another state or  
42 has been or is required to register under federal or military law and who works  
43 or attends school or training on a full-time or on a part-time basis or has a  
44 temporary residence in Missouri. "Part-time" in this subdivision means for more  
45 than fourteen days in any twelve-month period.

46           2. Any person to whom sections 589.400 to 589.425 apply shall, within ten  
47 days of conviction, release from incarceration, or placement upon probation,  
48 register with the chief law enforcement official of the county or city not within a  
49 county in which such person resides unless such person has already registered  
50 in that county for the same offense. Any person to whom sections 589.400 to  
51 589.425 apply if not currently registered in their county of residence shall  
52 register with the chief law enforcement official of such county or city not within  
53 a county within ten days of August 28, 2003. The chief law enforcement official  
54 shall forward a copy of the registration form required by section 589.407 to a city,  
55 town, village, or campus law enforcement agency located within the county of the  
56 chief law enforcement official, if so requested. Such request may ask the chief  
57 law enforcement official to forward copies of all registration forms filed with such  
58 official. The chief law enforcement official may forward a copy of such  
59 registration form to any city, town, village, or campus law enforcement agency,  
60 if so requested.

61           3. The registration requirements of sections 589.400 through 589.425 are  
62 lifetime registration requirements unless:

63           (1) All offenses requiring registration are reversed, vacated or set aside;

64           (2) The registrant is pardoned of the offenses requiring registration;

65           (3) The registrant is no longer required to register and his or her name  
66 shall be removed from the registry under the provisions of subsection 6 of this  
67 section; or

68           (4) The registrant may petition the court for removal from the registry

69 under subsection 7 or 8 of this section and the court orders the removal of such  
70 person from the registry.

71 4. For processing an initial sex offender registration the chief law  
72 enforcement officer of the county or city not within a county may charge the  
73 offender registering a fee of up to ten dollars.

74 5. For processing any change in registration required pursuant to section  
75 589.414 the chief law enforcement official of the county or city not within a county  
76 may charge the person changing their registration a fee of five dollars for each  
77 change made after the initial registration.

78 6. Effective August 28, 2006, any person currently on the sexual offender  
79 registry for being convicted of, found guilty of, or pleading guilty or nolo  
80 contendere to committing felonious restraint when the victim was a child and he  
81 or she was the parent or guardian of the child, nonsexual child abuse that was  
82 committed under section 568.060, RSMo, or kidnapping when the victim was a  
83 child and he or she was the parent or guardian of the child shall be removed from  
84 the registry. However, such person shall remain on the sexual offender registry  
85 for any other offense for which he or she is required to register under sections  
86 589.400 to 589.425.

87 7. Effective August 28, 2006, any person currently on the sexual offender  
88 registry for having been convicted of, found guilty of, or having pleaded guilty or  
89 nolo contendere to promoting prostitution in the second degree, promoting  
90 prostitution in the third degree, public display of explicit sexual material,  
91 statutory rape in the second degree, and no physical force or threat of physical  
92 force was used in the commission of the crime, may file a petition in the civil  
93 division of the circuit court in the county in which the offender was convicted or  
94 found guilty of or pled guilty or nolo contendere to the offense or offenses for the  
95 removal of his or her name from the sexual offender registry after ten years have  
96 passed from the date he or she was required to register.

97 8. Effective August 28, 2006, any person on the sexual offender registry  
98 for having been convicted of, found guilty of, or having pled guilty or nolo  
99 contendere to an offense included under subsection 1 of this section may file a  
100 petition after two years have passed from the date the offender was convicted or  
101 found guilty of or pled guilty or nolo contendere to the offense or offenses in the  
102 civil division of the circuit court in the county in which the offender was convicted  
103 or found guilty of or pled guilty or nolo contendere to the offense or offenses for  
104 removal of his or her name from the registry if such person was nineteen years

105 of age or younger and the victim was thirteen years of age or older at the time of  
106 the offense and no physical force or threat of physical force was used in the  
107 commission of the offense.

108 9. (1) The court may grant such relief under subsection 7 or 8 of this  
109 section if such person demonstrates to the court that he or she has complied with  
110 the provisions of this section and is not a current or potential threat to public  
111 safety. The prosecuting attorney in the circuit court in which the petition is filed  
112 must be given notice, by the person seeking removal from the registry, of the  
113 petition to present evidence in opposition to the requested relief or may otherwise  
114 demonstrate the reasons why the petition should be denied. Failure of the person  
115 seeking removal from the registry to notify the prosecuting attorney of the  
116 petition shall result in an automatic denial of such person's petition. If the  
117 prosecuting attorney is notified of the petition he or she shall make reasonable  
118 efforts to notify the victim of the crime for which the person was required to  
119 register of the petition and the dates and times of any hearings or other  
120 proceedings in connection with that petition.

121 (2) If the petition is denied, such person shall wait at least twelve months  
122 before petitioning the court again. If the court finds that the petitioner is entitled  
123 to relief, which removes such person's name from the registry, a certified copy of  
124 the written findings or order shall be forwarded by the court to the chief law  
125 enforcement official having jurisdiction over the offender and to the Missouri  
126 state highway patrol in order to have such person's name removed from the  
127 registry.

128 10. Any nonresident worker or nonresident student shall register for the  
129 duration of such person's employment or attendance at any school of higher  
130 education and is not entitled to relief under the provisions of subsection 9 of this  
131 section. Any registered offender from another state who has a temporary  
132 residence in this state and resides more than fourteen days in a twelve-month  
133 period shall register for the duration of such person's temporary residency and  
134 is not entitled to the provisions of subsection 9 of this section.

135 11. Any person whose name is removed from the sexual offender registry  
136 under subsection 7 or 8 of this section shall no longer be required to fulfill the  
137 registration requirements of sections 589.400 to 589.425, unless such person is  
138 required to register for committing another offense after being removed from the  
139 registry.

[229.110. 1. Every person owning a hedge fence situated

2 along or near the right-of-way of any public road shall between the  
3 first days of May and August of each year cut the same down to a  
4 height of not more than five feet, and any owner of such fence  
5 failing to comply with this section shall forfeit and pay to the  
6 capital school fund of the county wherein such fence is situated not  
7 less than fifty nor more than five hundred dollars, to be recovered  
8 in a civil action in the name of the county upon the relation of the  
9 prosecuting attorney, and any judgment of forfeiture obtained shall  
10 be a lien upon the real estate of the owner of such fence upon  
11 which same is situated, and a special execution shall issue against  
12 said real estate and no exemption shall be allowed.

13 2. Any prosecuting attorney who shall fail or refuse to  
14 institute suit as herein provided within thirty days after being  
15 notified by any road overseer, county or state highway engineer,  
16 that any hedge fence has not been cut down to the height herein  
17 required within the time required, shall be removed from office by  
18 the governor and some other person appointed to fill the vacancy  
19 thus created. The cutting of any such fence after the time herein  
20 required shall not be a defense to the action herein provided for.]

[550.050. 1. Every person who shall institute any  
2 prosecution to recover a fine, penalty or forfeiture shall be  
3 adjudged to pay all costs if the defendant is acquitted although he  
4 may not be entitled to any part of the same.

5 2. When such prosecutions are commenced by a public  
6 officer whose duty it is to institute the same, and the defendant is  
7 acquitted, the county shall pay the costs; if he is convicted, and  
8 unable to pay the costs, the county shall pay all the costs, except  
9 such as were incurred on the part of the defendant.]

[550.070. If a person, charged with a felony, shall be  
2 discharged by the officer taking his examination, the costs shall be  
3 paid by the prosecutor or person on whose oath the prosecution was  
4 instituted, and the officer taking such examination shall enter  
5 judgment against such person for the same, and issue execution  
6 therefor immediately; and in no such case shall the state or county  
7 pay the costs.]

[550.080. If, upon the trial of any indictment or

2 information, the defendant shall be acquitted or discharged, and  
3 the prosecutor or prosecuting witness shall be liable to pay the  
4 costs according to law, judgment shall be rendered against such  
5 prosecutor for the costs in the case, and in no such case shall the  
6 same be paid by either the county or state.]

[550.090. When the proceedings are prosecuted before any  
2 associate circuit judge, at the instance of the injured party, for the  
3 disturbance of the peace of a person, or for libel or slander, or for  
4 any trespass against the person or property of another, not  
5 amounting to a felony, except for petit larceny, the name of such  
6 injured party shall be entered by the associate circuit judge on his  
7 record as a prosecutor; and if the defendant shall be discharged or  
8 acquitted, such prosecutor shall be adjudged to pay the costs not  
9 otherwise adjudged; and in every other case of acquittal, if the  
10 associate circuit judge or jury trying the case shall state in the  
11 finding that the prosecution was malicious or without probable  
12 cause, the associate circuit judge shall enter judgment for costs  
13 against the prosecution or party at whose instance the information  
14 was filed, and shall issue execution therefor; but in no case shall  
15 the prosecuting attorney be liable for costs. In other cases of  
16 discharge or acquittal the costs shall be paid by the county, except  
17 when the prosecution is commenced by complaint and the  
18 prosecuting attorney declines to file information thereon, in which  
19 case the proceedings shall be dismissed at the cost of the party  
20 filing the complaint.]

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